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United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 2006 MERCEDES BENZ CLS 55
CA LICENSE NO. 6CQU031,
VIN WDDDJ76X86A031811,
ITS TOOLS AND APPURTENANCES,

ONE 2003 LAND ROVER RANGE ROVER
CA LICENSE NO. 6AMN568,
VIN SALMB11403A109536,
ITS TOOLS AND APPURTENANCES,

\$10,826.00 IN U.S. CURRENCY,

Defendants.

Civil No.

EX PARTE MOTION TO APPOINT
THE UNITED STATES MARSHAL
AS CUSTODIAN AND TO DEPOSIT
DEFENDANT CURRENCY INTO
THE SEIZED ASSETS DEPOSIT
ACCOUNT

COMES NOW the plaintiff, United States of America, and moves this Court for an exception to General Order 273 issued by this Court, that is, for an order appointing the United States Marshal as custodian of the defendants upon execution of the warrant of arrest in rem. In support of this motion, plaintiff states as follows:

1. The United States Marshals office has been staffed with personnel experienced in providing for the management of properties such as the defendants in this case.

2. The United States Marshal has consented to assume responsibility for the protection, maintenance, and safety of the defendants during the period the same remain in custodia legis.

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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1 3. The continued custody of the United States Marshal following execution of the warrant
2 of arrest in rem is necessary and in the best interests of the plaintiff in this case, given the nature of the
3 defendants and the expertise within the United States Marshals Service to provide for the management,
4 protection and preservation of the defendants.

5 4. The United States Marshal has established an account, the Seized Assets Deposit
6 Account, for the deposit of seized currency until further order of the Court. It is further requested that
7 the United States Marshal place the defendant currency in the Seized Assets Deposit Account
8 administered by the United States Marshal. In the event any of the defendant currency is ordered to be
9 returned to any claimant, the Court may order the payment of interest thereon. Depositing seized
10 currency in such an account is proper. See, United States v. \$57,480.05, 722 F.2d 1457 (9th Cir. 1984)
11 (placing seized cash in bank account was not improper). The account credit of tangible dollars will
12 constitute an appropriate substitute for the original defendant currency (res). Id.

13 WHEREFORE, plaintiff respectfully requests that an exception to General Order No. 273 be
14 granted permitting the appointment of the United States Marshal as custodian of the defendants and that
15 the defendant currency be deposited in the aforementioned account and the res be therefore substituted
16 in this action.

17
18 DATED: July 8, 2008

KAREN P. HEWITT
United States Attorney



DAVID M. McNEES
Special Assistant U.S. Attorney